

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
-
REGION 5

IN THE MATTER OF:)
)
Pechiney Plastic Packaging,) Administrative Order
Inc.)
) EPA-5-02-113(a)-07-MN
Proceeding Under Sections)
113(a)(3) and 114(a)(1))
of the Clean Air Act,)
42 U.S.C. §§ 7413(a)(3))
and 7414(a)(1))

Administrative Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Pechiney Plastic Packaging, Inc. (Pechiney Plastic Packaging) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Pursuant to Section 112 of the Act, 42 U.S.C. § 7412, the U.S. EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Printing and Publishing Industry, 40 C.F.R. Part 63, Subpart KK, on May 30, 1996. (See 61 Fed. Reg. 27140)
3. The NESHAP regulations at 40 C.F.R. Part 63, Subpart KK, 40 C.F.R. § 63.820(a)(1), apply to each new and existing facility that is a major source of hazardous air pollutants (HAPs) at which a publication rotogravure, product and packaging rotogravure, and wide web flexographic printing presses are operated.
4. The NESHAP regulations at 40 C.F.R. § 63.826(a) require existing sources to be in compliance with the NESHAP by May 30, 1999.
5. The NESHAP regulations at 40 C.F.R. § 63.830(b)(3) and 40 C.F.R. § 63.9(h) require sources to submit a Notification of Compliance Status.

6. The NESHAP regulations at 40 C.F.R. § 63.830(b)(6) requires sources to submit semi-annual reports.
7. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.
8. The Administrator of U.S. EPA may require any person who owns or operates an emission source to provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414 (a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

9. Pechiney Plastic Packaging owns and operates wide-web flexographic and packaging rotogravure presses at its 150-26th Avenue SE, Minneapolis, Minnesota facility (the facility).
10. Pechiney Plastic Packaging is a major source of HAPs. Specifically, in 1999, Pechiney Plastic Packaging emitted 35 tons per year of HAPs at the facility.
11. During a U.S. EPA inspection of Pechiney Plastic Packaging facility on December 12, 2001, and in a March 14, 2002 Section 114 Information Response, Pechiney Plastic Packaging stated it has not submitted any reports other than the initial notification as required under 40 C.F.R. § 63.830.

Compliance Program

12. By the effective date of this Order, Pechiney Plastic Packaging must achieve, demonstrate, and maintain compliance with 40 C.F.R. § 63.830(b)(3) and 40 C.F.R. § 63.9(h), and 40 C.F.R. § 63.830(b)(6) at its Minneapolis, Minnesota facility.

13. Pechiney Plastic Packaging must follow the methods for complying with the reporting requirements of 40 C.F.R. § 63.830(b)(3) and 40 C.F.R. § 63.9(h), and 40 C.F.R. § 63.830(b)(6).
14. Pechiney Plastic Packaging must certify in writing to U.S. EPA by **May 15, 2002**, what actions it has taken to come into compliance with 40 C.F.R. § 63.830(b)(3) and 40 C.F.R. § 63.9(h), and 40 C.F.R. § 63.830(b)(6), under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).
15. Any notice, report, or other document submitted by Pechiney Plastic Packaging pursuant to this Order, which makes any representation concerning Pechiney Plastic Packaging's compliance or noncompliance with any requirement of this Order, shall be certified by an authorized representative. The certification of such a responsible official shall be in the following form: **"I hereby certify that the information contained in or accompanying this submission is true, accurate and complete to the best of my knowledge, information and belief."**
16. Pechiney Plastic Packaging must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
 Air Enforcement and Compliance Assurance Branch
 U.S. EPA, Region 5
 77 West Jackson Boulevard
 Chicago, Illinois 60604

and

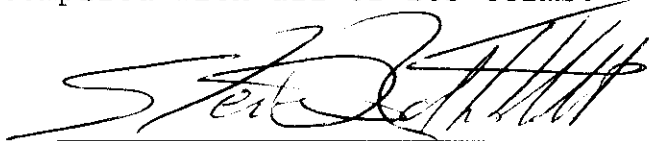
Ann Foss, Manager
 Minnesota Pollution Control Agency
 520 Lafayette Road North
 St. Paul, Minnesota 55155-4194

General Provisions

17. This Order does not affect Pechiney Plastic Packaging's responsibility to comply with other local, state, and federal laws and regulations.
18. This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, 42 U.S.C. § 7412, or any other section of the Act.

19. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Pechiney Plastic Packaging's violation of the NESHAP for the Printing and Publishing Industry at 40 C.F.R. Part 63, Subpart KK.
20. Failure to comply with this Order may subject Pechiney Plastic Packaging to penalties of up to \$27,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.
21. The terms of this Order are binding on Pechiney Plastic Packaging, its assignees and successors. Pechiney Plastic Packaging must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Pechiney Plastic Packaging has given the notice.
22. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.
23. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.
24. Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U.S. EPA about the alleged violation. Therefore, U.S. EPA is giving Pechiney Plastic Packaging an opportunity to confer with U.S. EPA concerning this Order. Pechiney Plastic Packaging may schedule a conference with U.S. EPA by calling Cynthia King, at (312) 886-6831, within 10 days of Pechiney Plastic Packaging's receipt of this Order.
25. The Order shall become effective on **May 15, 2002**. The Order shall expire one year from the effective date, if Pechiney Plastic Packaging has complied with all of its terms.

5/10/2002
Date


Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

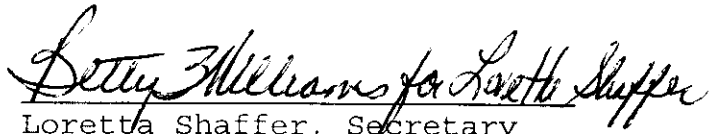
I, Loretta Shaffer, certify that I sent the Administrative Order, EPA Order No. EPA-5-02-113(a)-07-MN, by Certified Mail, Return Receipt Requested, to:

Thomas Miller, Engineering Manager
Pechiney Plastic Packaging, Inc.
150-26th Ave. S.E.
Minneapolis, Minnesota 55414

I also certify that I sent a copy of the Administrative Order EPA Order No. EPA-5-02-113(a)-07-MN, First Class Mail to:

Ann Foss, Manager
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

on the 13th day of May 2002.


Loretta Shaffer, Secretary
AECAS (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9586 8103